IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, *et al.*

    Plaintiffs,

    v.

BRAD RAFFENSPERGER, *et al.,*

    Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

DECLARATION OF MELISA ARNOLD

Pursuant to 28 U.S.C. § 1746, I, Melisa Arnold, make the following declaration:

1.

My name is Melisa Arnold. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. This declaration is based on my personal knowledge.

2.

I am the City Clerk and Elections Superintendent for the City of Snellville (the "City" or "Snellville"), which has a population 19,906 and is located in Gwinnett County. I have worked as the Deputy Elections Superintendent and

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Elections Superintendent for Snellville since 1999. As the Elections

Superintendent, I oversee all municipal elections for the City of Snellville. I

employ two (2) deputy election superintendents who assist me in the municipal

elections.

<div align="center">3.</div>

As the Elections Superintendent, I oversee all municipal elections for the

City of Snellville. I employ two (2) deputy election superintendents who assist me

in the municipal elections.

<div align="center">4.</div>

The City of Snellville does not contract with Gwinnett County to run its

municipal elections. Rather, Snellville voters use hand-marked paper ballots

which are run through an Accu-Vote ES2000 optical scan machine. Snellville

currently owns two (2) Accu-Vote ES2000 optical scan machines.

<div align="center">5.</div>

Snellville has an upcoming municipal general election which will be held on

November 5, 2019. These elections are non-partisan and are for three positions:

mayor and two city council posts.

6.

The process to run a municipal election takes time and involves many moving pieces in order to comply with Georgia election laws and State Board of Election regulations.

7.

First, in January 2019, Snellville advertised the qualifying fees for the November election to comply with the State-imposed deadline of February 1. On the third Monday in August, the City will hold the qualifying period for three to five days. After the qualifying period is over, we will verify the candidates and wait the seven (7) days required under Georgia law to ensure there are no write-in candidates.

8.

After the candidates are verified, I communicate with our third-party vendor to correctly layout and print the ballots for our elections. This process takes some time as the vendor will send proofs for the City to verify. The City contracts with the vendor to print the ballots directly. The Secretary of State's office does not create our ballot. Rather, our ballot design is conformed according to State Law and the State Board of Election's Regulations.

9.

As the Election Superintendent, I have to review the ballot proofs and determine how many ballots to print. State law provides the calculation I need to determine how many ballots I must print for each election in order to comply with Georgia law.

10.

Each Accu-Vote ES2000 has 4 memory cards and 4 backup memory cards that need to be programmed by a third party vendor. These consist of a memory card for Absentee In person ballots, Absentee by Mail ballots, Election Day ballots, and Provisional ballots as well as a backup card for each of those in case there is a problem with the original memory card.

11.

Once all of the ballots are received and the memory cards are programmed you must advertise and conduct your public Logistics and Accuracy test (L&A) to make sure the ballots can be read by the Accu-Vote OS machines. You conduct this test using a pack of test ballots that are ordered along with the early voting and Election Day ballots. If the ballots do not test property you have to order new ballots. Once everything is completed the Accu-Vote Optical scan machines are locked and tagged with numbered tabs which are logged and signed off on by

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myself and witnesses. The machines are then returned to the vault until Election day.

12.

In September, I will need to train all of the poll workers which will be hired temporarily for the upcoming November 2019 municipal election. In the past, I have hired 12 to 14 poll workers, but due to the implementation of new software purchased by the City, I will likely hire less.

13.

The training, ballot printing and any other logistical issues must be completed prior to early voting which will begin on October 14, 2019. Absentee by mail ballots will also be distributed on that date. Early voting will be for three (3) weeks as required under Georgia law.

14.

The City only has one precinct (at City Hall) for its elections, which will conduct both early voting and day-of voting.

15.

Given that the City uses Accu-Vote ES2000 optical scanners, day-of voters will mark the paper ballots and put the ballots through the machines themselves.

16.

I and the City's Election team must tabulate early voting ballots. Snellville normally can have around 400 to 800 early voters. These voters use the paper ballots, which are then sealed in two envelopes— one plain white envelope with the ballot which is then enclosed in another outer envelope that has the oath of the voter. On Election Day, my election team must open those envelopes, separate the ballots, and then run each ballot through an optical scanner. This process normally takes several hours.

17.

A ballot review committee must be created in case there is a ballot that is damaged or not clearly marked. The committee is used to review the ballot and determine the intent of the voter. Once this is done a duplicate ballot is created, logged, and run through Accu-Vote optical scan machine. Both ballots (original and duplicate) are kept together, separate from the other ballots, for future review if needed.

18.

The Election team must also count provisional ballots, which is a lengthier process. Information from the provisional ballots must first be sent to the county to determine if the voter is eligible. If the county deems the voter to be eligible, his

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or her ballot is opened and run through the Accu-Vote optical scanner using the provisional memory card.

19.

Before Election Day starts, both of the Accu-Vote ES2000 optical scan machines are kept in the City's vault. Once early voting has started all early voter ballots are kept in the City's vault. Only certain people have access to the vault and it is monitored by a door access system and cameras.

20.

During this process, the City has frequent contact with county. The county provides the street list verification, the voter list, and does the provisional ballot research. They are also responsible for sending us the signatures used for signature verification in the absentee by mail ballot applications process.
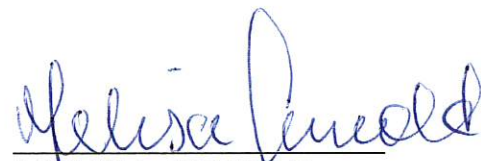
21.

The City, however, has very little contact with the State during the municipal election process. For the municipal elections, I only contact the State to confirm that the City complied with qualifying advertisement requirements and to provide post-election recap forms.

22.

As an Elections Superintendent and in my experience in conducting

elections with paper ballots, I have serious concerns regarding the

implementation of a new method to conduct elections at this time. It would

be an expensive system to implement and there would not be enough time

for cities to obtain new equipment, certify the equipment, and train

themselves as well as poll workers on the new equipment and processes.

There would also be little time to conduct outreach to educate voters on a

new system.

I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

Executed this 23rd day of July, 2019.

MELISA ARNOLD

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